

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

TONY GARCIA,

Defendant.

16-cr-719 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of the government's letter on behalf of both parties, dated December 16, 2020, regarding proposed redactions to certain filings in this case, specifically (1) the government's status letters dated June 2, 2017, September 14, 2017, December 18, 2017, April 10, 2018, July 26, 2018, and January 22, 2019, and the Court's memo endorsements of those letters; and (2) the government's sealing request dated January 25, 2019, and the Court's memo endorsement of the same day.

The Court agrees that the presumption of open records has been overcome with respect to certain medical information contained in the submissions, *see United States v. Amodeo*, 71 F.3d 1044, 1047–50 (2d Cir. 1995), as well as certain information about Defendant's cooperation that has not previously been publicly disclosed, *id.* The Court is not persuaded, however, that each of the proposed redactions warrants sealing; in particular, several redactions stating generally applicable concerns about the risks inherent in cooperation do not warrant sealing in light of the fact that the government elsewhere acknowledges Defendant's cooperation against his co-defendants in submissions the parties have agreed to unseal.

Accordingly, IT IS HEREBY ORDERED THAT the parties' request to seal certain portions of the attached submissions is GRANTED in part and DENIED in part. IT IS FURTHER

ORDERED THAT the parties shall file on ECF (1) redacted versions of their submissions in conformity with the unredacted (and highlighted) documents attached hereto, as well as (2) the government's letter of January 28, 2019, and the Court's memo endorsement of the same day, which were originally filed under seal but, with the parties' consent, will be unsealed without redaction. The Clerk of Court is respectfully directed to docket this order, but maintain the attachment under seal.

SO ORDERED.

Dated: October 15, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation